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7 MICHAEL L LUCKERT,
8 Plaintiff,
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10 v.
11 O. SMITH, et al.,
Defendants.

Case No. [19-cv-08204-PJH](#)

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**ORDER DENYING MOTION TO
COMPEL**

22 Re: Dkt. No. 30

23 Plaintiff, a former detainee, proceeds with a pro se civil rights complaint under 42
24 U.S.C. § 1983. The court ordered service on September 3, 2020, and defendants
25 appeared on December 9, 2020. Presently pending is plaintiff's motion to compel.
26 Plaintiff states that he sent discovery requests on August 1, 2020, to various city and
27 county agencies, but has not received a response. Docket No. 30 at 7. He seeks to
compel the discovery requests. However, plaintiff submitted the discovery requests
before the court ordered service or defendants had appeared. The motion to compel is
denied without prejudice. Now that defendants have appeared in this action, plaintiff
should again seek the discovery.

28 Plaintiff is advised that the court generally is not involved in the discovery process
and only becomes involved when there is a dispute between the parties about discovery
responses. Discovery requests and responses normally are exchanged between the
parties without any copy sent to the court. See Fed. R. Civ. P. 5(d) (listing discovery
requests and responses that "must not" be filed with the court until they are used in the
proceeding or the court orders otherwise). Only when the parties have a discovery
dispute that they cannot resolve among themselves should the parties even consider

1 asking the court to intervene in the discovery process. The court does not have the
2 resources to oversee all discovery, and so requires that the parties present to it only their
3 very specific disagreements. To promote the goal of addressing only very specific
4 disagreements (rather than becoming an overseer of all discovery), the court requires
5 that the parties meet and confer to try to resolve their disagreements before seeking
6 court intervention. See Fed. R. Civ. P. 37(a); N.D. Cal. Local Rule 37. The motion
7 (Docket No. 30) is **DENIED** without prejudice.

8 **IT IS SO ORDERED.**

9 Dated: January 6, 2021

10 */s/ Phyllis J. Hamilton*
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12 PHYLLIS J. HAMILTON
13 United States District Judge
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